



Community Development Department Planning Division

270 Montgomery Street, Woodburn, Oregon 97071 ▪ (503) 982-5246 ▪ (503) 982-5244

LEGISLATIVE AMENDMENT STAFF REPORT Planning Commission

Application Type	Type V – Legislative Amendment
Application Number	LA 2009-01
Project Description	A legislative amendment to revise the Comprehensive Plan Map and text, the Woodburn Development Ordinance, and the Transportation Systems Plan with the proposed recommendations found in the Woodburn Downtown Development Plan Update.
Applicant/Representative	City of Woodburn
Planner Assigned	Natalie Labossiere
Application Received	August 24, 2009
Application Complete	August 24, 2009
Date of Staff Report	September 8, 2009
Date of Hearing	September 24, 2009
120-Day Deadline	Legislative Amendments not subject to 120-day time limit

BACKGROUND & PROPOSAL -The City Council adopted a Downtown Development Plan in 1998. The 1998 Downtown Development Plan recommended a limited number of actions to return vibrancy to the downtown area and enhance opportunities for downtown businesses. The 1998 Downtown Development Plan had a limited scope, due to financial restrictions. In 2001, to fund a broader, more integrated program of commercial and residential revitalization, the City Council formed an urban renewal district centered on the downtown area. In January 2007 the City of Woodburn received a grant from the Oregon Transportation and Growth Management Program to help fund an update of the 1998 Downtown Development Plan. This Plan will update the 1998 Downtown Development Plan and expand it to include more properties within the Downtown Urban Renewal District, including those along Young Street (Figure 1).

The proposed Woodburn Downtown Development Plan Update and corresponding amendments to the Comprehensive Plan, Woodburn Development Ordinance, and the Transportation Systems Plan was prepared by the consultant team Otak, Leland Consulting Group and Kittelson Associates.

Goals & Vision

The plan provides development concepts, transportation improvement projects, strategic business planning, a housing strategy for attracting new residents to downtown, and an implementation plan. In order to provide guidance, the plan established three fundamental goals:

- Enhance Old Town as a “Healthy Heart” for Downtown. Old Town will provide opportunities to live, work, shop and play in a clean, safe and attractive environment.

- Create a “Complete Downtown” with new development in the Gateway Subarea. Encourage new development east of Front Street that is complementary to the retail, housing and streetscape environment of Old Town.
- Sustain a successful business community. Combine public and private efforts to achieve a balanced mix of uses that include shopping, entertainment, restaurants, professional and government services and housing.

Project Area

The plan area was divided into five subareas (Figure 2) which allowed analysis of unique land use characteristics, key attractions, transportation, and parking issues to be addressed through the planning effort.

1. Old Town (Subarea A) – Old Town is bounded by Oak and Harrison Streets and by Front and Second Streets. Old Town features an eclectic mix of development and architectural styles. Current downtown businesses are small and most are Latino-owned and operated.
2. Gateway District (Subarea B) – This subarea is bounded by the rail line on the west and Mill Creek on the east. Existing land uses include Chemeketa Community College, a number of industrial employers, and religious institutions.
3. South Front Street Corridor (Subarea C) – The subarea is a narrow corridor within the project area, connecting downtown to South Settlement Avenue.
4. North Front Street Corridor (Subarea D) – North Front Street is a similarly narrow corridor with planned improvements to Front Street as the primary transportation improvement connecting Old Town to Highway 214.
5. Young Street Corridor (Subarea E) – The Young Street Corridor is bounded by Mill Creek on the west and Highway 99E on the east. It is more diverse in terms of land uses and includes commercial, industrial, residential, institutional/public, and religious uses. Land uses for the corridor are primarily low density residential with low ratios of improvement value to land values. This corridor has significant potential for residential, commercial, and mixed-use redevelopment, along transportation improvements linking Old Town to Highway 99E.

Proposed Amendments

As part of the Downtown Development Plan Update, amendments to the Comprehensive Plan, Comprehensive Plan Map, Woodburn Development Ordinance, and Transportation Systems Plan are proposed.

Comprehensive Plan policies were added and revisions were made to two existing zoning districts, the Downtown Development and Conservation (DDC) and Commercial General (CG) districts. The revisions to the DDC zone emphasize the historic character and pedestrian-oriented architecture. The revisions allow more flexibility for housing choices and established a building height limit. The revisions to the CG zone, establishes a Gateway Sub district. The sub district will allow mixed use development with a substantial housing component. (Figure 3) The proposed revisions also establish a lower height limit and restrict industrial type uses. The redevelopment of the Gateway Sub district will extend the sense of downtown across the railroad tracks.

The Downtown Development Plan identifies and develops a number of transportation improvements to better integrate these improvements with the current TSP.

- Portions of Grant Street, Hayes Street, Harrison Street, and 1st Street have been identified as candidates for modification to one-way streets within the Old Town Street grid.
- Two street design cross section standards were developed for the Old Town Commercial street grid.

- TSP amendments to the cross-section of Young Street from Mill Creek to Front Street.

The Plan

The Woodburn Downtown Development Plan Update contains the following sections:

- Executive Summary
- Introduction
- Development Concepts
- Transportation Improvements
- Strategic Business Development Plan
- Housing Strategy
- Implementation Plan

RECOMMENDATION – The Planning Commission has the option of approving the Downtown Development Plan Update ‘as-is’, approve with modifications based on public input or other information, or forego any action on the Plan.

Staff recommends that after considering public testimony the Planning Commission recommends approval of the Downtown Development Plan with modifications to City Council.

Oregon Revised Statutes 197 requires amendments to the Comprehensive Plan to conform to the Statewide Goals and Guidelines, Comprehensive Plan, the applicable regulations in the Woodburn Development Ordinance, and the. The following provides the required analysis.

RELEVANT APPROVAL CRITERIA: **Woodburn Development Ordinance** § [WDO 4.101.06.E][WDO 4.101.09.A.3]**City of Woodburn Comprehensive Plan** §Review, Revision, and Update pg 11 and Policy B-1.

ANALYSIS AND FINDINGS OF FACT:

1. **Type V Procedural Requirements.** Type V decisions involve legislative actions where the City Council enacts or amends the City’s land use regulations, comprehensive plan, zoning maps or some other component of any of these documents where changes are such a size, diversity of ownership or interest as to be legislative in nature under state law. Included are large scale annexations, and adopting or amending the comprehensive plan text or the WDO. The Planning Commission holds an initial public hearing on the proposal prior to making a recommendation to the City Council. The City Council then holds a final de novo public hearing and makes the City’s final decision. Public notice is provided for all public hearings (***Section 4.101.09***). The City Council’s decision is the City’s final decision and is appealable to LUBA within 21 days after it becomes final. **[WDO 4.101.06.E]**

Findings: As part of the Downtown Development Plan Update amendments to the Comprehensive Plan, the Woodburn Development Ordinance and the Transportation Systems Plan are the proposed requiring a Type V decision. The Planning Commission is scheduled to conduct an initial public hearing on September 24, 2009 and consider evidence and testimony regarding the adoption of the Woodburn Downtown Development Plan Update which require amendments to the Woodburn Comprehensive Plan and Map, the Woodburn Transportation Systems Plan (TSP) and the Woodburn Development Ordinance zoning regulations of the DDC and CG zones located in subject area. The City Council will then hold a final public hearing to consider the recommendation of the Planning Commission and testimony regarding the identified text amendments on October 12, 2009. A measure 56 notice was sent to all affected property owners on September 2, 2009. Notice of the public hearing was published in the Woodburn Independent newspaper on September 12 and September 16, 2009.

2. Type V Notification Requirements. At least 20 days before an initial evidentiary public hearing at which a Type V decision is to be considered, the Director shall issue a public notice that conforms to the requirements of this subsection and any applicable state statute. Notice shall be sent to affected governmental entities, special districts, providers of urban services, the Oregon Department of Transportation and any affected recognized neighborhood associations and any party who has requested in writing such notice. **[WDO 4.101.09.A.3]**

Findings: Measure 56 notices were sent to all affected property owners on September 2, 2009.

Notification of the public hearing and legislative amendment was published in the Woodburn Independent Newspaper on September 12 and September 16, 2009.

Notification of the legislative amendment was provided to the Oregon Department of Land Conservation and Development (DLCD) on August 27, 2009.

All notification contained information regarding the time, date, and location of the public hearings, the file number, the staff contact for questions or submission of testimony. All notification also included a summary of the proposed text amendments. All notification documents provided information regarding the public hearing procedures and how to review or obtain copies of the documents to be considered. Notification requirements consistent with the provisions of the Woodburn Development Ordinance and statutory requirements were met for this legislative amendment to the Woodburn Development Ordinance.

3. Initiation of a Legislative Proposal: Type V Actions initiated by the Council shall be referred to the Planning Commission for a public hearing and recommendation to the Council. The City Council shall hold the final public hearing on a proposed legislative decision. **[WDO 4.101.17]**
Findings: The City Council accepted a grant from the State under the Transportation and Growth Program in 2007. Acceptance of the grant initiated consideration of the Downtown Plan Update.

4. Comprehensive Plan Policy Consistency – Review, Revision and Update

- A. **Compliance with the goals and policies of the Comprehensive Plan;**

Findings: The Comprehensive Plan requires that any change it makes in the Plan is consistent with other goals and policies established in the Plan. The proposed additions are consistent with the goals and policies of the Comprehensive Plan.

Citizen Involvement Policies and Goals [Comprehensive Goal B] – These goals and policies state that the City of Woodburn seek to encourage citizen input at all phases of the land use planning process and that Woodburn shall coordinate with affected state agencies regarding proposed comprehensive plan and land use regulation amendments. Participants helped identify the best qualities of Downtown and an overall vision for the next 20 years. Open houses were conducted on January 21 and June 3, 2009. Participants in the community workshops were asked to help identify what they liked best about downtown and to suggest key design and development themes. Stakeholder interviews were conducted with key business owners, property owners, civic groups, and appointed/elected officials. The interviews affirmed the same positive downtown features that were identified by the public. A stakeholder's working group (SWG) was formed which met multiple times with the consultant team to help set the right themes and long-term vision for downtown. The SWG provided on-going review and input for the plan. A joint workshop was held on August 31, 2009 with the City Council and Planning Commission.

At the joint workshop the Historic Woodburn Neighborhood Association presented an alternative downtown redevelopment plan which focused on two top priorities: less

crime and more clean up and preservation of authentic historic buildings. The goals of the Downtown Development Plan Update and the alternative plan contain similar goals of improving downtown Woodburn.

Notification of the open houses and workshop were sent to all property owners within the notification area (Figure 4). Additional notification was sent to property owners 250 feet from the notification area. Notification and a copy of the text amendments were provided to the DLCD, consistent with this policy as documented in the record.

Residential Land Development and Housing Policies and Goals [Comprehensive Goal D] – The proposed Downtown Development Plan recognizes that housing is an integral component of a complete downtown. Increasing the supply of housing in Downtown Woodburn, including both for sale and rental housing as well as market rate and affordable projects will contribute to the overall health and vitality of Downtown Woodburn. This strategy is consistent with this comprehensive planning goal of the City to ensure that adequate housing for sectors of the community is provided.

Commercial Land Development and Employment Policies and Goals [Comprehensive Goal F] – The proposed addition of Policy F-1.10 establishes the Downtown Gateway sub-district which supports Goal F-1 by encouraging infill and redevelopment of existing commercial areas within the community. Policy F-1.5 states “It would be of benefit to the entire City to have Woodburn’s Downtown Design and Conservation District an active, healthy commercial area. Policy F-1.8 states as a policy “Ensure that existing commercial sites are used efficiently. Consider the potential for redevelopment of existing commercial sites and modifications to zoning regulations that intensify development to attract new investment. The proposed Gateway sub-district will allow for mixed-use redevelopment. A broader range of housing choice and higher densities can be integrated with new employment or commercial uses.

Transportation Goals and Policies [Comprehensive Goal H] – The goals and policies within this section were amended as part of the 2005 Periodic Review package to be consistent with the 2005 TSP. The purpose of the TSP is to guide the management and development of appropriate transportation facilities in Woodburn, incorporating the community’s vision, while remaining consistent with state, regional, and local plans. The Downtown Development Plan Update includes a framework plan for transportation improvements that focuses on pedestrian and bicycle circulation improvements, parking improvements for Old Town and streetscape enhancement concepts for three of the planning sub-districts. The Plan recommends converting portions of Grant, Hayes, and Harrison Streets to one-way streets. The plan also develops alternative cross section standards for the Old Town commercial streets and for Young Street from Mill Creek to Front Street.

The proposed amendments were evaluated by the Public Works Department (Attachment C), staff recommends that the TSP is amended adding the proposed street cross sections but not making them street specific. The proposed street section would add to the City’s menu of transportation, providing flexibility in how streets are

constructed throughout the City. Particularly in the downtown where there are narrower streets.

Downtown Design Policies and Goals [Comprehensive Goal K] – The vision statement was established in 1997 by downtown business and property owners, the Downtown Woodburn Association and interested citizens. The proposed additions of Goal K-7 and K-8 and the corresponding policies are consistent with the vision statement established in the Comprehensive Plan. Proposed K-7.1 is included to allow multi-family residential development in the downtown area. This aims to enliven the downtown which is consistent with the vision statement established in the Comprehensive Plan. Vision statement 6 in the Downtown Design element describes Downtown as part of the City’s oldest neighborhood. Businesses, government and employment uses are linked to residential neighborhoods, educational facilities, recreation opportunities and good transportation services. The proposed Goal K-8 and its corresponding policies aim to preserve the historic character of downtown. The proposal recommends development standards and guidelines to the DDC district that enhance street environment by providing building and streetscape designs. The update of the Downtown Development Plan meets Policy K-1.2 (g) requirement that the plan is updated every 5 years.

B. Compliance with the various elements of the Comprehensive Plan;

Findings: The proposed additions are also in compliance with various elements of the Comprehensive Plan elements relating to enhancing the quality of life that are discussed under citizen involvement, residential land, commercial land, transportation and downtown design.

C. Compliance with Statewide Goals and guidelines;

Findings: There are 19 state land use goals that have been adopted by the state legislature. The applicable statewide planning goals are Goals 1, 2, 8, 10 and 12. The remaining goals are not applicable to update of the Downtown Development Plan and proposed additions to the Comprehensive Plan.

Goal 1 – Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The project was guided by a project team, made up of the consultant team and City Staff. Community outreach has been a key element of the planning process. Participants helped identify the best qualities of downtown and an overall vision for the next 20 years. Open houses were conducted on January 21 and June 3, 2009. Stakeholder interviews were conducted with key business owners, property owners, civic groups, and appointed/elected officials. A stakeholder’s working group was formed which met multiple times with the consultant team to help set the right themes and long-term vision for downtown. A joint workshop was held on August 31, 2009 with the City Council and Planning Commission. Notice of the open house and joint workshop were sent to all property owners within the notification area (Figure 4). Additional notification was sent to property owners 250 feet from the notification area. Measure 56 notices were sent to all affected property owners on September 2, 2009.

Notification of the public hearing and legislative amendment was published in the Woodburn Independent Newspaper on September 12 and September 16, 2009. The draft Downtown Plan and corresponding amendments are located on the city's website. These amendments are consistent with this goal

At the joint workshop the Historic Woodburn Neighborhood Association presented an alternative downtown redevelopment plan which focused on two top priorities: less crime and more clean up and preservation of authentic historic buildings.

Goal 2 – Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The City of Woodburn received a TGM grant to update the Woodburn Downtown Development plan. The TGM program is a joint program of the Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DCLD) and as such the proposal has to meet the goals. The Woodburn Downtown Development Plan Update and proposed amendments are consistent with this goal.

Goal 9 – Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The proposed Goal K-7 is intended to enliven downtown through the development of housing. The corresponding policy encourages housing in the downtown area as an opportunity to promote greater activity in downtown and to support the local business owners.

Goal 10 – Housing: To provide for the housing needs of citizens of the state.

Finding: The proposed additions to the Comprehensive Plan allows for additional housing to be built in the Downtown Area and the adjacent CG zoning district. The establishment of the Downtown Gateway sub-district allows multi-family residential development in an area that provides more consumers within an area of commercial development. The proposed amendments allow for a variety of housing types in the downtown area. Providing housing opportunities is consistent with this goal.

Goal 12 – Transportation: To provide and encourage a safe, convenient and economic transportation system.

Finding: The update to the Downtown Development Plan proposes amendments to the Transportation Systems Plan (TSP) to better integrate and focus long-range planning for Woodburn's downtown.

D. That there is a public need for the change;

Findings: There is a significant public need for the update to the Woodburn Downtown Development Plan. The Comprehensive Plan requires that the plan be updated every 5 years. The last plan was prepared in 1998. This update is built on the previous visions from the 1998 Plan but it refines some of the goals. New opportunities are identified and more detailed concepts and implementation strategies have been provided.

E. That this land best suites that public need; and

Findings: The Comprehensive Plan sets as a vision statement that the Downtown is the center of community life and that the Downtown is a place where a diverse community comes together to work, shop, and play. The update to the Downtown Development Plan and the proposed additions to the Comprehensive Plan is an opportunity to better serve the area.

PUBLIC COMMENTS

The Planning Commission and City Council received considerable public input at the joint workshop. Among those quality of life issues raised during the workshop were crime reduction, cleanup and preservation, traffic, noise, and problem rental properties. The Historic Woodburn Neighborhood Association presented an alternative plan during the joint workshop. Extensive input was directed towards quality of life issues. While some issues raised are associated with Comprehensive Plan policies and/or land use standards (historic preservation, design standards), others (crime, noise) are not typically associated with Plan or text amendments. Staff agrees that most of these issues are best addressed separately and outside the land use process, such as using Police programs to address crime for example. The Community Development Department's response to some of the specific issues raised by the Historic Downtown Association is as follows:

1. Height Limits: The draft Downtown Development Plan Update and WDO amendments propose a maximum building height. Currently there is no restriction on height in the DDC zone. (WDO 2.107.05.B). In the existing CG zone, the maximum height of buildings shall not exceed 70 feet. The draft Downtown Development Plan Update proposes a maximum height of 50 feet or four stories, whichever is less, in the Downtown Gateway sub-district.
2. Cleanup & Preservation: The WDO establishes specific design standards for the downtown and the adjacent Neighborhood Conservation Overlay District (NCOD). These existing standards guide redevelopment within the area. Amendments outlined in the Downtown Development Plan Update further historic preservation through the establishment of specific guidelines for Downtown Development and Conservation District (DDC). Current guidelines are limited and do not establish minimum design standards intended towards preserving the downtown character. The Plan does not address "cleaning-up" downtown since it is not relevant to the Comprehensive Plan or Woodburn Development Ordinance.
3. Traffic Issues: The Downtown Development Plan Update does not recommend any land use decisions that would significantly increase downtown traffic beyond what the capacity of the existing system can handle. The strategy for addressing the traffic needs of downtown is to disperse traffic and enhance the efficiency in which the existing transportation moves traffic. The emphasis within the Plan to make the downtown area more friendly for alternative means of transportation, such as pedestrian, bicycle, and transit reduce vehicle trips and provide calming tendencies for vehicular traffic that does flow through the area.

The concept of using one-way streets to provide diagonal parking and dedicated bicycle routes was identified as a method for increasing the number of downtown parking spaces (typically a 20% increase in parking stalls) and easing the effort for on-street parking. Contrary to the position taken by the Historic Neighborhood Plan, studies have shown one-way streets do not increase traffic speeds and actually provide a traffic calming affect.

It is important to know that the Plan suggests projects that may enhance the downtown area and should be considered within the City's capital improvement program. Any specific street improvement project included in the City's capital improvement program would include a focused public involvement process. It is during this public involvement process that design alternatives are evaluated and the best project specific alternative is selected.

There is a difference of opinion between the Downtown Development Plan Update and the Historic Neighborhood Plan with regard to traffic and its impact on the community. Not all traffic congestion is bad. There is not a healthy downtown area on earth that does not experience traffic congestion. Traffic congestion is an indicator that people desire to be downtown to shop, eat, and live. Significant increases in traffic passing through the adjoining neighborhood should be avoided by dispersing the traffic through alternate routes and the promotion of other modes of transportation.

4. Problem Rental Properties: The Downtown Development Plan Update does not specifically address problem rental properties since it is not relevant to the Comprehensive Plan or Woodburn Development Ordinance. This issue was recently addressed by the City Council's passage in 2008 of a rental Housing Ordinance (see attached materials).
5. Land Use Restrictions: The draft Downtown Development Plan Update discourages incompatible Light Industrial and Manufacturing activities in the Plan area. Existing business, which become 'non-conforming' through adoption of the Plan recommendations are allowed to continue to operate, however expansion to those businesses are prohibited. Likewise, should a "non-conforming" business close operation beyond 6 months or should they be destroyed by fire, they would be required to relocate to an area zoned accordingly. The proposed amendments allow businesses to continue to operate until they relocate.

ATTACHMENTS

Attachment "A"	Comprehensive Plan – Proposed Text Amendments
Attachment "B"	Woodburn Development Ordinance – Proposed Text Amendments
Attachment "C"	Public Works Director Comments to the proposed TSP amendments
Attachment "D"	Historic Woodburn Neighborhood Association's – The Old Settlemier District Plan (Distributed to the Planning Commission in August 2009)
Exhibit "A"	Woodburn Downtown Development Plan Update (Distributed to the Planning Commission in August 2009)
Figure "1"	Downtown Plan Area
Figure "2"	Downtown Plan Subareas
Figure "3"	Zoning Designations – Downtown Development Plan Update
Figure "4"	Notification Area – Downtown Development Plan Update